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HANFORD NATURAL RESOURCE TRUSTEE COUNCIL

Agenda

May 8 - 9, 1997

Atrium, 639 Cullum, Rm 129, Richland, Washington

Message Phone: (509) 946-0176

Thursday May 8, 1997

Introductions & Housekeeping:

Approve Agenda

Action Items Update

Project & DQO Schedules

Approve Draft Minutes

1100 PAS

100 Area PAS

Resolution 97-02

100 Area Assessment

ERDF

Tolling Agreement

12:00 - 1:00 *Lunch*

1:00 - 2:00 CRCIA Presentation – Bob Stewart

2:00 – 4:30 Working Groups Meet

Friday May 9, 1997

8:30 - 12:00 Working Groups Meet

The next HNRTC meetings are:

June 11-12 Three Rivers Resort, Lowell, ID

* No July Meeting

August 14 in Richland, WA

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HANFORD NATURAL RESOURCE TRUSTEE COUNCIL

Final Record of Discussion

May 8 - 9, 1997

Atrium, 639 Cullum, Rm 129, Richland, Washington

Message Phone: (509) 946-0176

Attendees - May 8: Bill Beckley, John Carleton, Larry Gadbois, Susan Hughes, Jake Jakabosky, Kay Kimmel, Dan Landeen, Jena Lewinsohn, Jay McConnaughey, Geoff Tallent, Darci Teel, Paul Ward, Jamie Zeisloft, Jeremy Crow, James W Falco, Charles Brandt, Roger Dirkes, Bob Stewart, Amoret Bunn. May 9: John Carleton, Susan Hughes, Kay Kimmel, Jena Lewinsohn, Jace Pennock, Preston Sleeper (phone), Geoff Tallent, Darci Teel, Paul Ward, Jamie Zeisloft.

Approve Agenda - Agenda approved as revised.

Action Items Update - HRA-EIS Letter has 3 signatures. DOE, DOI (BLM) and State of Oregon are abstaining, and will not be signing the letter. A discussion was held on whether to rewrite the letter or issue as Council letter with five signatures. It was agreed to issue the letter as it is written, from the Council under interim status by-laws. Nez Perce and Yakama signatures outstanding. Close 040997-15: Dan Audet, USFWS, 11103 E Montgomery Dr, Suite 2, Spokane, WA 99206-4779. 040997-14 change Actionee to Kay to get MOA & By-Laws to Nick Iadanza & Chris Beaverson. Closed: 040997-13 (DOI will sign the by-laws shortly), -12, -11, 031397-01, -03, -05, -08, 021397-02 is ongoing. 021397-07 Update: the homepage can be hosted by ODOE, Ecology, and DOE. **Action Item:** *ODOE & Ecology to determine feasibility of maintaining the web pages.*

021397-02: NRDA Training will be held October 28-31 in Coeur d'Alene on Bunker Hill, for \$450. It is open to federal and state agencies and Tribes.

Project & DQO Schedules - Project Schedule was reviewed and the new format was approved. DQO Schedule will be faxed to Trustees.

Approve Minutes - Several changes were made; minutes will be reissued. Jamie moved and Jay seconded that minutes be approved as revised. **Action Item:** *Jamie Zeisloft to see if USFWS, NOAA and NMFS can meet in Portland August 14 & 15. Action Item: Susan Hughes to set up the August 14 & 15 meeting in Portland.*

1100 PAS - Toni Davidson and Richard Roy, USFWS, are working on this project. Toni has worked with Preston Sleeper in the past. Jamie noted USFWS visited the site over the last two days. They are reviewing the data and will have their report done by Monday. The report will be out for a two week review by the 1100 Area PAS Working Group.

100 Area Assessment - The Working Group met Friday and finalized the decisions discussed on Thursday (see the Attendees list). These decisions are listed here, with a brief account of the discussions following. It was agreed to phase the assessment to include: Phase I - Assessment Plan development; Phase II - Pathway studies focused on salmon as the endpoint; Phase III - Salmon studies. It was further agreed that there will be no 100 Area PAS written at this point, and the Assessment Plan will be focused on salmon, instead of the entire 100 Area. **Action Item:** *Geoff Tallent agreed to develop Resolution 97-02 as the means for the Council to approve the IAG with USFWS on the 100 Area Assessment Plan.* It was also agreed that a tolling agreement would be pursued and a site-wide strategy with priorities would be developed. **Action Item:** *Geoff Tallent agreed to get agency lawyers together to write a tolling agreement.*

Jamie Zeisloft noted the original path on the 100 Area Assessment was a phased approach where: Phase I = PAS written by Trustees; Phase II = Assessment Plan written by USFWS; Phase III = a pathways study; Phase IV = Chromium studies. A discussion ensued on what triggers a PAS and whether a PAS is required.

There was uncertainty whether an ongoing, partially remedied injury is sufficient to trigger a PAS at an NPL site. The statute of limitations was also discussed. A large concern was whether or not this activity starts the NRDA clock. One means to be more conservative, thus less likely to start the clock, would be to move directly to the injury study without going through the full NRDA process. Consensus of the Trustees is important, and so the pros and cons of writing a PAS were discussed and consensus of the Working Group was reached. Pro: a PAS provides rebuttable presumption; it could be written in the future, if needed. Con: writing a PAS may trigger the NRDA clock. Because on these uncertainties, it was agreed that Trustee solicitors should develop a tolling agreement.

A tolling agreement would solve the uncertainty issues, it would be written for a specific length of time and renegotiated as applicable. This agreement also provides more security for the PRP and the Trustees. A tolling agreement would commit DOE to a restoration phase. It generally means that arrangements are made such as 'we won't sue if you don't trigger the clock for x number of years.' Paul Ward asked if there is a time limitation on entering into a tolling agreement? John doesn't believe so. Geoff Tallent noted he had posed a series of questions to his attorneys and he shared these and the preliminary responses: Can we proceed with a damage assessment without a remedy completed? Yes. Do we have the flexibility to draw out a damage assessment (like for the 40 years it would take to remediate)? Sure. Do we need a lead official? Probably yes. With a partial delisting, a tolling agreement is probably the safest path to take. Is it smart to start a damage assessment and draw it out over 40 years? It's OK.

Another decision regarding the breadth of the Assessment Plan for the focused injury study was made. There was discussion on foregoing the 100 Area wide PAS and Assessment Plan, and writing an Assessment Plan focused directly on 100 Area impacts to salmon. John noted that having the framework of a 100-Area wide PAS and assessment plan enables future injury studies, especially for upland resources. He noted that having an assessment plan is necessary, even if it is only focused on one resource. However, with a focused assessment plan, John noted we lose perspective, maybe miss some other issues, and we don't necessarily spend our money in a most cost effective manner. Geoff agreed that an Area-wide assessment plan would structure our use of monetary resources, and could be modified as knowledge increases. Dan Landeen noted the salmon and chromium study is more important to him than the process to get there. Jamie further noted there are compliance issues for DOE to consider, too. DOE realizes this study could turn into a damage claim at any time. DOE has the responsibility to remedy the injury at some point.

It was agreed that up front planning is vital to the project, as well as moving in a phased manner. An assessment plan locks Trustees into a schedule with a contractor. John noted that, broad or focused, there are likely phases that will not be needed, therefore money not spent. Many issues were discussed: whole 100 area site; include ERDF; include terrestrial paths. All agreed to delete the requirement for a PAS and develop the work plan based on salmon as the endpoint, following the NRDA regulations. Trustees do not want to get off track and stop the planning process. Therefore, it was agreed to develop a site-wide natural resource strategy with priorities. It was further agreed that the site-wide strategy would not be part of the tolling agreement.

Jamie noted contractor options for Phase III include: USFWS, PNNL, and NMFS. Trustees will need to make this decision by summer 1998. These contractors are all on the working group so that Trustees have the opportunity to get to know them and their qualifications.

It was noted that public review is now optional. Geoff suggested a public announcement and agency announcement, not a formal public review/comment period. Build in some information points, like fact sheets, etc., these are for DOE's public involvement people and Trustees, not part of the IAG.

Based on the decisions made, Jamie will get the work plan and statement of work to Jace Pennock for costing; he will write the interagency agreement (IAG) to USFWS for the working group to approve; Geoff will develop a resolution for the full council to approve the IAG with USFWS. The work plan will include a

data review; site visit/interviews; plans for Health & Safety (HASP), QA/QC, DQO; and assessment plan. Jamie noted the support contractors (ERC & PNNL) will assist in the data review and site visits.

A discussion was held on agency approvals for the Assessment Plan. The resolutions could be signed at the table but each agency needs to make its own determination. There will be Resolution 97-02 for Phase I. A separate resolution would be written for Phases II & III.

CRCIA Presentation – Bob Stewart introduced the CRCIA team members: Charles Brandt, Roger Dirkes, David Holland, Amoret Bunn, Larry Gadbois. Larry began the presentation, noting this process is most like a risk assessment and is based on existing data. The Columbia River was divided into 27 segments based on known plumes and tributary inflows. He noted that seep water correlates with porewater and seep data was substituted for porewater if needed. He noted human scenarios were different from Richland on down stream. Human risks were greater from: drinking seep water; eating crops grown on sediments at seeps; external radiation; eating lots of fish from certain areas. The seep/spring data is representative of animals drinking at the shoreline since it is a mixture of river and groundwater. An added human risk scenario was the avid recreational user at 70 days of exposure per year. He noted a greater number of species than ever before are being evaluated.

Charlie Brandt provided a handout of his overheads. He clarified the objectives: they did not look at trends over time, they looked at 'today' using the last 5 years worth of data; if there were seeps the animals always drank there. The terrestrial herbivore dermal dose is from river sediment, not shore or riparian, therefore it is a more conservative evaluation. The contaminants of concern are not the traditional radionuclide set, there are a lot of metals. The metals data could not be calibrated as they could with radionuclide data. Some of the metals are regulated by the organisms, so that the model estimated concentrations too high or too low. Filtered water should be used because unfiltered water includes contaminant particles that do not cross fish gills. Table X showed estimated vs. measured concentrations. The maximally exposed individual could be over or under stated. The K-Area potentially poses the greatest risk to salmon, however, the risks were based on unfiltered data. The Hanford Townsite risk is based on sediment. He noted that bioavailability is an unknown and there is no correlation between total metals and tissue concentrations. Charlie noted that brook trout data were used for salmon egg sac/fry.

Bob noted that by the end of July the impacts group will propose where they expect to go. David Holland noted that Part II was written by a group of stakeholders, that DOE will provide feedback on this part of the document in July.

Bob thanked the Trustees for this opportunity to present this information, and asked that they comment on the CRCIA document, especially providing input on future data needs.

A discussion was held by the Trustees on how to respond to the CRCIA document. Where studies overlap, it is important to ensure data is useable for both needs. It was agreed to write a letter requesting integration between CRCIA and the Hanford Natural Resource Trustee Council. **Action Item:** *Geoff Tallent agreed to draft a letter informing DOE of the desire to integrate the NRTC data needs with CRCIA assessments.*

Native Plant Nurseries - It was noted that various nurseries are propagating Hanford seed. **Action Item:** *Jena Lewinsohn to develop a list of nurseries and the Hanford specific species they are growing.*

ERDF Expansion - Jamie noted an expansion of ERDF is being planned and the project people would like to coordinate with the Tribes and Trustees. The project will issue a letter to the Tribes and to the Council with a request to meet in two weeks. Jamie noted the issues are I&I, BRMaP, mitigation, closing the cells and final revegetation. John asked if this need to expand the footprint of ERDF is coming sooner than expected, or are the impacts more than originally proposed? Larry said no. Trustee expectations are that first, impacts are minimized, and next, BRMaP strategies are followed for past, present and future disturbances. Jamie

noted the project people believe that all disturbance to date is covered under the I&I language of the feasibility study. John asked if the project people believe they have fully mitigated the facility? Jamie says yes, they do. It was noted that if there is a continuing injury at ERDF, then DOE is incurring the costs, and there is no need to push the issue at this point.

Next Meeting Schedule - The next HNRTC meetings are:

June 11-12 Three Rivers Resort, Lowell, ID

* No July Meeting

August 14 & 15 - 2-day tentatively in Portland